

**CITY OF LUBBOCK
REGULAR CITY COUNCIL MEETING
AUGUST 23, 2007
7:30 A. M.**

The City Council of the City of Lubbock, Texas met in regular session on the 23rd day of August, 2007, in the City Council Chambers, first floor, City Hall, 1625 13th Street, Lubbock, Texas at 7:30 A. M.

7:30 A.M. CITY COUNCIL CONVENED
City Council Chambers, 1625 13th Street, Lubbock, Texas

Present: Mayor David A. Miller, Mayor Pro Tem Jim Gilbreath, Council Member Linda DeLeon, Council Member Phyllis Jones, Council Member Todd R. Klein, Council Member John Leonard, Council Member Floyd Price

Absent: No one

1. CITIZEN COMMENTS

Citizens who expressed comments to Council were:

- Gilbert Salinas spoke to Council in favor of the \$300 million bond proposal that the Citizens' Advisory Committee recommended.
- Robert Rodriguez, Amaris Garcia, and Blas Mojica addressed Council in favor of the proposed name change of Canyon Lake Drive to Cesar E. Chavez Drive.

2. EXECUTIVE SESSION

Mayor Miller stated: "City Council will hold an Executive Session today for the purpose of consulting with the City Staff with respect to pending or contemplated litigation; the purchase, exchange, lease, or value of real property; personnel matters; and competitive matters of the public power utility, as provided by Subchapter D of Chapter 551 of the Government Code, the Open Meetings Law."

7:42 A. M. CITY COUNCIL RECESSED TO EXECUTIVE SESSION
City Council Conference Room

All council members were present.

- 2.1. Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.071, to discuss pending or contemplated litigation or settlement agreement, and hold a consultation with attorney (Water Utilities).**

- 2.2. **Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.072, to deliberate the purchase, exchange, lease, or value of real property (Business Development, Right-of-Way, Water Utilities).**
- 2.3. **Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074 (a)(1), to discuss personnel matters (City Attorney, City Manager, City Secretary, Municipal Judge) and take appropriate action.**
- 2.4. **Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.086, on the following competitive matters (Electric Utilities)**
 - 2.4.1 **to deliberate, vote, and take final action on electric rates of Lubbock Power and Light**
 - 2.4.2 **to discuss, vote, and take final action on a competitive matter regarding operation, financial and capital statements and budgets, revenue and expense projections, strategic and business plans and studies of Lubbock Power and Light**
- 2.5. **Hold an executive session in accordance with V.T.C.A. Government Code, Section 551.074(a)(1), to discuss personnel matters regarding duties, responsibilities, and/or appointments to the Permit & License Appeal Board.**

**9:32 A. M. CITY COUNCIL REGULAR MEETING RECONVENED
City Council Chambers**

Present: Mayor Pro Tem Jim Gilbreath; Council Member Linda DeLeon; Council Member Phyllis Jones; Council Member Todd R. Klein; Council Member John Leonard; Council Member Floyd Price; Lee Ann Dumbauld, City Manager; Anita Burgess, City Attorney; and Rebecca Garza, City Secretary

Absent: Mayor David A. Miller

Mayor Pro Tem Gilbreath reconvened the meeting at 9:32 a.m.

3. PROCLAMATIONS AND PRESENTATIONS

- 3.1. **Invocation by Pastor Dan Reynolds, Family Church at 34th Street and Boston Avenue**
- 3.2. **Pledge of Allegiance to the Flags**

Pledge of Allegiance was given in unison by those in the City Council Chambers to both the United States flag and the Texas flag.
- 3.3. **Presentation of a special recognition commemorating September 11, 2007, as "First Responders Day."**

Mayor Pro Tem Gilbreath presented special recognition to commemorate September 11, 2007 as "First Responders Day." Those present to receive

special recognition were Greg Jones, Carla Calfin, and other representatives of American State Bank; Corporal Darrin Opaitz, Corporal Tim Seely, and members of the Lubbock Police Department; Deputy Fire Chief Chris Angerer; Lubbock Sheriff's Office; and Emergency Medical Services. Greg Jones gave comments.

3.4. Presentation of a special recognition to the Lubbock Chamber of Commerce for being recognized as one of the top four chambers of commerce by the American Chamber of Commerce Executives.

Mayor Pro Tem Gilbreath presented special recognition to the Lubbock Chamber of Commerce for being recognized as one of the top four chambers of commerce by the American Chamber of Commerce Executives. Those present to receive special recognition were Michael Shonrock of Texas Tech University, and Steve Siege, Gary Gregory, Steve Verett, Linda Gaither, Eddie McBride, and other representatives of the Lubbock Chamber of Commerce. Steve Siege gave comments.

3.5. Present a special recognition to Manuel Ordaz honoring his appointment to the Youth Advisory Council for the National Center for Victims of Crime in Washington, D.C.

Mayor Pro Tem Gilbreath presented special recognition to Manuel Ordaz for his appointment to the Youth Advisory Council for the National Center for Victims of Crime in Washington, DC. Mr. Ordaz was accompanied by Cowboy Fred Ortiz, who is a representative of Up and Coming Scholars.

4. MINUTES

4.1. Approval of Prior Meeting Minutes: Regular City Council Meeting, July 26, 2007; Special City Council Meeting, August 6, 2007

Motion was made by Council Member Jones, seconded by Council Member Price to approve the minutes of the Regular City Council Meeting of July 26, 2007 and the Special City Council Meeting of August 6, 2007 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

5. CONSENT AGENDA (Items 5.1-5.11, 5.13-5.14, 5.16-5.18, 5.20, 5.22-5.32)

Motion was made by Council Member DeLeon, seconded by Council Member Price to approve Items 5.1-5.11, 5.13-5.14, 5.16-5.18, 5.20, 5.22-5.32 on consent agenda as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

5.1. Budget Amendment Ordinance 2nd Reading - Finance: Ordinance No. 2007-00083 Consider budget ordinance Amendment No. 17 amending the FY 2006-07 budget respecting the Central Business District Tax Increment Finance Reinvestment Zone, Special Funds, Grant Funds, Capital Improvement Program, Market Lubbock, Inc., Lubbock Economic Development Alliance, and Lubbock Power & Light.

1. Appropriate \$62,500 of Central Business District Tax Increment Financing Reinvestment Zone (CBD TIF) fund balance for a contract with Schrader Cline to draft a new project and finance plan for the CBD TIF,

Regular City Council Meeting
August 23, 2007

\$27,500; the CBD TIF's share of the Downtown Utility Study Contract, \$25,000; and the Downtown Guitar Project in conjunction with the Entertainment Lubbock Task Force, \$10,000. On July 11, 2007 the Board of Directors of the CBD TIF approved these expenditures at their Board meeting.

2. Appropriate \$131,646 of Municipal Courts Special Fund balance for management software, ceiling fans, electrical work and counter modifications. In FY 2005-06, Municipal Court budgeted \$125,000 for updating court management software. While the project started in FY 2005-06, it was not fully implemented until FY 2006-07. As a result, the vendor billed the majority of the project costs to the City in the current budget year. The \$125,000 amendment recognizes the carryover of budgeted funds from FY 2005-06 that were not actually spent during that fiscal year. Appropriation \$4,491 is requested for ceiling fans in the Municipal Court lobby and some electrical circuits to avoid overloads from office equipment; and \$2,155 is requested for modifications to the cashiers' counter to alleviate physical strain on the cashiers and to add an Americans with Disabilities Act compliant counter location.
3. Accept and appropriate \$340,538 from Texas State Library and Archives Commission for the Library System Operation Grant for the West Texas Library System. The West Texas Library system is designed to improve library service programs in a 29-county area, offering consulting services and continuing education. The grant funds three full-time employees. Since 1974, the City has received this grant each year.
4. Accept and appropriate \$80,000 from Texas State Library and Archives Commission for the Technical Assistance Negotiated Grant for the West Texas Library System. This grant funds one full-time technical advisor for the member libraries of the West Texas Library System. The advisor provides training and technological consulting. Since 2000, the City has received this grant each year.
5. Accept and appropriate \$106,435 from Texas State Library and Archives Commission for Interlibrary Loan Grant for the West Texas Library System. The Interlibrary Loan Center locates and requests materials for all public libraries, community college libraries, and special libraries with the West Texas Library System. The grant funds two full-time employees. Since 1974, the City has received this grant each year.
6. Accept and appropriate \$40,000 from the Department of State Health Services (DSHS) for acquisition of Bentley Somocount 150 Precision Somatic Cell Counter laboratory equipment to perform analysis of Grade A raw milk. The Bentley Somocount 150 is approved by the Food and Drug Administration.
7. Amend the adopted FY 2006-07 Operating Budget for Market Lubbock, Inc. (MLI). The revisions allow MLI to increase the grant for Lubbock Economic Development Alliance expenses related to the development of

the infrastructure of the Lubbock Business Park and Lubbock Railport. Funding for these expenditures comes from reserve funds that have accumulated over the past several years in anticipation of construction at the parks and a \$600,000 refund of incentives from Frito Lay. The detail of budget changes is included in Exhibit A. On February 26, 2007, Market Lubbock Inc. Board of Directors approved the revised budget at their meeting.

8. Amend the adopted FY 2006-07 Operating Budget for Lubbock Economic Development Alliance (LEDA). The revisions to the budget allow LEDA to expend funds related to the development of the infrastructure of the Lubbock Business Park and Lubbock Railport. Funding for these expenditures comes from reserve funds that have accumulated over the past several years in anticipation of construction at the parks. The detail of budget changes is included on Exhibit B. On February 26, 2007, LEDA Board of Directors approved this revised budget at their meeting.
9. Amend the Operating Budget and Capital Improvement Program in the LP&L Fund. Specific information regarding these budgets is competitive information protected under Chapter 552.133 of the Texas Government Code.
10. Amend Capital Improvement Project 91207, Northwest Little League Complex, by appropriating \$430,000 of certificate of obligation bonds and increasing the total appropriation to \$3,028,000 for the construction of a three-field complex for Northwest Little League with related amenities and necessary infrastructure improvements.
11. Accept and appropriate \$235,242 from Texas Department of State Health Services for CPS-Bioterrorism Preparedness. This program is designed to upgrade and integrate state and local public health jurisdictions' preparedness for and response to terrorism and other public health threats and emergencies. The contract provides salary and benefits for six existing full-time positions and funds for training, travel, and supplies. The contract period is through August 31, 2008.
12. Accept and appropriate \$125,000 from Texas Department of State Health Services for CPS-Bioterrorism Preparedness-LAB. This program assists the Lubbock Health Department maintain a confirmatory bioterrorism testing laboratory with a staff trained and proficient in Center for Disease Control's Laboratory Response Network biothreat protocols. The contract provides salary and benefits for three existing full-time positions, funds for training and travel, and supplies. The contract period is through August 31, 2008.
13. Accept and appropriate a \$74,009 grant from Texas Department of State Health Services for Milk and Dairy Products Services. The Lubbock Health Department Regional Laboratory is reimbursed for laboratory analysis of milk and dairy samples at a specified rate, depending on the kind of analysis performed. These activities are directly related to public

safety and ensuring a safe food supply. The contract period is through August 31, 2008.

14. Amend Capital Improvement Project 91103, Slide Road from 4th Street to North Loop 289, by appropriating \$625,000 of certificate of obligation bonds and increasing the total appropriation to \$2,095,000 for the purchase of Right-of-Way. The Debt Service for this project is fully funded through the Gateway Streets Capital program.

FISCAL IMPACT

Included in item summary.

Staff recommended approval of the second reading of this ordinance.

- 5.2. **Bond Issuance Ordinance 1st and Only Reading – Finance: Ordinance No. 2007-O0086 providing for the issuance of City of Lubbock, Texas, General Obligation Bonds, Series 2007 in an amount not to exceed \$2 million; levying a tax in payment thereof; approving the official statement; approving execution of a purchase contract; and enacting other provisions relating thereto.**

This ordinance authorizes the issuance of General Obligation Bonds for projects approved by Lubbock voters on May 15, 2004. This is the fourth issuance of the \$30 million that was approved. The issuance of this debt should not increase the debt tax rate.

On July 12, 2007, City Council approved the first step in the issuance process of City of Lubbock, Texas, General Obligation Bonds, Series 2007. Resolution No. 2007-R0312, dated July 12, 2007, authorized publication of a notice of intention to sell the bonds.

The City will sell the bonds on a negotiated basis. On August 22, 2007, the City and RBC Capital Markets, the City's Financial Advisor, will negotiate a purchase price for the bonds with the City's chosen underwriters (Merrill Lynch & Co. as senior manager, Morgan Keegan, and Southwest Securities).

The proceeds from the sale of the bonds will be used for improvements to the City's streets and parks. The projects scheduled to be funded with these bonds are included in Exhibit A with a total cost of \$1.199 million.

Senate Bill 1759 of the 77th Legislative Session amends Subchapter B, Chapter 1201, of the Texas Government Code under Section 1201.028(3) allowing the authorization of a public security with only one reading of the ordinance. Therefore, this will be the only reading of this ordinance. The ordinance provided excludes certain information that is unknown as of the printing of the backup material. Examples of this information include annual principal and interest amounts and maturity dates. Once negotiations have concluded, the information will be completed and a revised ordinance will be provided.

FISCAL IMPACT

Included in Item Summary

Staff recommended approval of the first and only reading of this ordinance.

- 5.3. Bond Issuance Ordinance 1st and Only Reading – Finance: Ordinance No. 2007-O0087 providing for the issuance of City of Lubbock, Texas, Tax and Waterworks System Surplus Revenue Certificates of Obligation, Series 2007A in an amount not to exceed \$70 million; levying a tax and pledging surplus Waterworks System revenues in payment thereof; approving the official statement; approving execution of a purchase contract; and enacting other provisions relating thereto.**

On July 12, 2007, City Council approved the first step in the issuance process of City of Lubbock, Texas, Tax and Waterworks System Surplus Revenue Certificates of Obligation, Series 2007. Resolution No. 2007-R0312, dated July 12, 2007, authorized publication of a notice of intention to issue the certificates of obligation.

Upon approval of this ordinance, the City will sell these certificates on a negotiated basis. On August 22, 2007, the City and RBC Capital Markets, the City's Financial Advisor, will negotiate a purchase price for the certificates with the City's chosen underwriters (Merrill Lynch & Co. as senior manager, Morgan Keegan, and Southwest Securities).

The proceeds from the sale of the certificates will be used for improvements to the City's Electric System, Wastewater System, Water System, Solid Waste System, Storm Drainage System, Airport, North Overton Tax Increment Finance District, City Facilities, City Cemetery, City Streets, and City Parks. The projects scheduled to be funded with these certificates are included in Exhibit A and total \$62.19 million in project costs.

Senate Bill 1759 of the 77th Legislative Session amends Subchapter B, Chapter 1201, of the Texas Government Code under Section 1201.028(3) allowing the authorization of a public security with only one reading of the ordinance. Therefore, this will be the only reading of this ordinance. The ordinance provided in the agenda backup excludes certain information that is unknown as of the printing of the backup material. Examples of this information include annual principal and interest amounts and maturity dates. Once negotiations have concluded, the information will be completed and a revised ordinance will be provided.

FISCAL IMPACT

Included in Item Summary.

Staff recommended approval of the first and only reading of this ordinance.

- 5.4. Ordinance Amendment 2nd Reading - Police: Ordinance No. 2007-O0085 Ordinance amending Chapter 14, Article XII of Code of Ordinances by amending sections 14-305(b), 14-305(c), 14-305(e), and deleting section 14-305(i) regarding alarm system permits.**

Amending Section 14-305(b) of Code of Ordinances will reduce the cost of alarm system permits from \$50 to \$25 for persons 65 years of age or older who apply for a permit for residential premises. The Police Department believes this will make the alarm system permit, which is mandated after three false burglary alarms, more affordable for senior citizens. Amending Section 14-305(c) and deleting Section 14-305(i) will result in permit holders no longer needing to reapply for the alarm system permit annually if their alarm site registers no false alarms during the prior 12 months.

Amending Section 14-305(e) will mandate that permit holders update all information on their permit application as often as necessary to ensure the Police Department can properly and expeditiously investigate any alarm at the permit holder's site, and will eliminate the sentence, "Thirty minutes after receiving said police department notification shall be deemed a reasonable time period for responding to the alarm site." The Police Department believes this amendment will help keep the permits current as to whom to contact for false alarms, and remove the expectation that the permit holder will respond to the false alarm site within 30 minutes. The Police Department is charged with enforcing the False Alarm Ordinance, and believes the changes as described will allow the ordinance to better serve the public.

FISCAL IMPACT

The reduced fee will result in minimal fiscal impact.

Staff recommended approval of the second reading of this ordinance.

- 5.5. Contract Resolution - Police: Resolution No. 2007-R0374 authorizing the Mayor to execute an interlocal cooperation contract with the Texas Department of Public Safety for the purchase of DWI forms, manuals, and testing supplies to use in the breath testing, laboratory alcohol, and drug testing program.**

The Police Department is required by state law to purchase certain supplies from the Texas Department of Public Safety. The Texas Department of Public Safety (DPS) General Services Bureau will provide certain forms, manuals, and supplies for the Police Department to use in the Breath Testing and Laboratory Alcohol and Drug Testing Program. The DPS requires that there be an Interlocal Cooperation Contract between the DPS and the local governmental agency in order to purchase these supplies. The term of the contract is two years beginning September 1, 2007.

FISCAL IMPACT

Cost of supply items are in accordance with the Texas Department of Public Safety Non-DPS Agency's price sheet. These items are purchased on an as needed basis. The cost of the supply items is budgeted in the adopted FY 2006-07 Police Department operating budget.

Staff recommended approval of this resolution.

5.6. Ordinance Amendment 2nd Reading - Traffic Engineering: Ordinance No. 2007-O0084 Consider an ordinance amending Chapter 16, Article XIV, Automated Traffic Signal Enforcement with regard to amending said article to conform said article to Senate Bill 1119, 80th Regular Session, (Chapter 707, Texas Transportation Code); Providing a Repealing Clause; Providing a Severability Clause; Providing for the Imposition of Civil Penalties; and Providing an Effective Date.

Senate Bill 1119, 80th Regular Session, regarding Automated Traffic Signal Enforcement will take effect on September 1, 2007, and several provisions to the City's current ordinance must be amended in order to comply with the new law.

The major legislative impact resulting from Senate Bill 1119:

Fines may not exceed \$75 and late fees may not exceed \$25. – Section 16-382, paragraph (c) requiring a fine of \$150 for a third or subsequent violation has been deleted from the ordinance.

Specific items must be listed on the violation notice. – Section 16-383, paragraph (d) has been modified to include all of the items required by the Bill. In the current ordinance, the notices contain much of this information even though that information was not specifically listed.

Violation notices are presumed to be received on the fifth day. – Section 16-383, paragraph (e) has been modified to the fifth day.

Individuals who fail to pay or who are no-shows at a requested hearing are presumed to have admitted liability and waive the right to appeal. – Section 16-384, paragraph (b) has been modified to comply with the requirement.

State law requires a 30 day window to file an appeal. – Section 16-384, paragraph (a) has been modified to reflect the change.

The finding of liability or no liability must be in writing and signed/dated by the hearing officer. – Section 16-385, paragraph (a) has been modified to reflect the change.

The law requires revenue sharing with the State for any revenues collected on or after September 1, 2007. – Section 16-386, paragraph (e) address this requirement.

State law prohibits reporting failure to pay to credit bureaus. The State or County may refuse the registration of a vehicle whose owner failed to pay a violation. – Section 16-383, paragraph (d) (9) addresses the remainder of this requirement.

The City Council will appoint a citizens committee to oversee the photographic traffic signal enforcement program. – Section 16-383, paragraph (a) addresses this requirement.

The amended ordinance is provided along with a version that shows in italics all changes proposed by the ordinance amendment.

FISCAL IMPACT

The City will be required to provide 50% of the net funds from this program to the State of Texas.

Staff recommended approval of the second reading of this ordinance.

5.7. Alley Closure Ordinance 1st Reading – Right-of-Way: Ordinance No. 2007-O0088 abandoning and closing a 20-foot alley in Block 226, Original Town of Lubbock, located at 1302 19th Street.

The ordinance abandons and closes a 20-foot wide north and south alley in Block 226, Original Town of Lubbock, located north of 19th Street and west of Avenue L. David Alderson owns the entire block except the southwest corner. Advanced Electronics owns the southwest corner. All utility companies and the property owners are in agreement with the alley closure. The alley area will be used for parking. Since the requestor of the closure is not the original dedicator of the alley, there will be a charge for the closure. The total area of the alley being closed is 6,120 square feet but it will remain as an access and underground utility easement. The Right-of-Way Department has determined a value of \$2 per square foot based on adjacent property land values

The total amount due to the City is \$6,120 based on an assessment of \$12,240 x 50% easement valuation.

FISCAL IMPACT

\$6,120 revenue.

Staff recommended approval of the first reading of this ordinance.

5.8. Contract of Sale Resolution - Right-of-Way: Resolution No. 2007-R0375 authorizing the Mayor to execute a contract of sale with B. R. Griffin and Geneva Griffin for the acquisition of Tract A, Whisperwood Addition to the City of Lubbock for the widening of Slide Road in conjunction with the Northwest Passage Project, property located at 5202 4th Street.

This resolution authorizes the mayor to sign a contract of sale for the acquisition of Tract A, Whisperwood Addition, for the widening of Slide Road from 4th Street north to North Loop 289. Property is located at 5202 4th Street. Widening of Slide Road is one of the street improvement projects included in the “Northwest Passage” to improve access, traffic flow, and reduce traffic congestion, as well as promote growth and development in the Northwest Lubbock. The purchase price of the property is \$1,929,235.

FISCAL IMPACT

Agenda Item 5.1 includes budget ordinance Amendment No. 17 to appropriate \$1,929,235 of Slide Road from 4th Street to North Loop 289 fund balance for this purpose.

Staff recommended approval of this resolution.

5.9. Contract Resolution - Storm Water: Resolution No. 2007-R0376 authorizing the Mayor to execute an engineering services contract with HDR Engineering for the Mose Hood and Stumpy Hamilton Drainage Project, RFQ 07-719-BM.

Mose Hood Park, located at Avenue Q and 26th Street, and Stumpy Hamilton Park, located at Avenue W and 23rd Street, are drainage detention basins developed many years ago. Storm sewer pipes enter one end of each park and exiting the opposite end. Large channels connect the two pipes in each park creating a maintenance hazard and health issues. Water collecting on the trash and leaves becomes a breeding ground for mosquitoes. Special equipment is required to clean the two basins. There is public pressure to keep the channels clean at all times, which causes problems with timing and ongoing maintenance. The City consistently receives complaints, especially in the spring and summer, regarding the trash, odor, and standing water in the two drainage channels. The project includes the design of structures to allow the two areas to continue to act as detention basins while minimizing maintenance and providing a cleaner drainage facility. The cost of the project includes construction of the structures and associated storm sewer pipes.

Two engineering firms submitted Statements of Qualification and are ranked as follows:

HDR Engineering of Austin, Texas	407
Parkhill, Smith & Cooper of Lubbock, Texas	370

The evaluation committee reviewed the Statements of Qualification based on the criteria published in the RFQ:

1. Project Team Organization and Qualifications	30%
2. Past Project Experience	30%
3. Project Approach	30%
4. Overall Responsiveness to the RFQ	10%

HDR scored highest due to the strength of their team and similar projects that HDR has completed. Both firms have performed work for the City and have excellent references. The evaluation committee recommended contract award to HDR Engineering of Austin, Texas.

FISCAL IMPACT

The \$32,220 contract amount includes preliminary design and surveying. \$650,000 is appropriated in capital project 92024, Mose Hood and Stumpy Hamilton Drainage Project. \$617,780 remains in the project budget for the final design services and construction.

Staff recommended approval of this resolution.

5.10. Contract Resolution – Street Maintenance: Resolution No. 2007-R0377 authorizing the Mayor to execute a development agreement with Bacon Crest for the design and construction of a portion of Iola Avenue.

In 1979, Lubbock Bible Church property was platted on the southeast corner of 66th Street and Iola Avenue. At the time of platting, the City waived the prepaid paving fees for the portion of Iola Avenue that was adjacent to the property. Bacon Crest, the developer immediately west of the property, is now preparing to pave the west side of Iola Avenue as part of the paving improvement requirements associated with their plat. City staff has requested Bacon Crest Developer pave the east portion Iola Avenue.

FISCAL IMPACT

The estimated cost for this paving is \$30,000 and includes paving, curb and gutter, an alley return, and driveway connections. The City will reimburse Bacon Crest for the actual costs associated with the paving not to exceed \$30,000. Funding is available in capital project 92125, Street Maintenance Program.

Staff recommended approval of this resolution.

5.11. Contract Resolution - Aviation: Resolution No. 2007-R0378 authorizing the Mayor to execute a contract for runway and taxiway marking paint for Lubbock Preston Smith International Airport, BID 07-058-FO.

This contract establishes annual pricing for the purchase of runway and taxiway marking paint at Lubbock Preston Smith International Airport. The painted surfaces on the airfield are re-painted annually to help maintain a safe environment for aircraft operating in all types of weather conditions and to meet Federal Aviation Administration airport certification standards. The contract is for 2,000 gallons of white paint, 1,500 gallons of yellow paint, and 250 gallons of black paint.

Bids were received from the following companies:

	White	Yellow	Black	Total
Ennis Paint Ennis, Texas	\$13,940	10,395	1,825	26,160
All State Coatings Glade Water, Texas	15,100	11,325	1,948	28,373
Kelly Moore Paints Lubbock, Texas	15,520	12,540	2,150	30,210
Centerline Supply Grand Prairie, Texas	17,400	13,500	2,375	33,275
Pathmark Traffic Products San Marcos, Texas	18,480	14,400	2,555	35,435
Trantex Houston, Texas	18,840	14,475	2,400	35,715
Adams Paint Lubbock, Texas	23,460	20,625	2,933	47,018

FISCAL IMPACT

Funds are available in the adopted Airport FY 2006-07 Operating Budget.

The Airport Board and staff recommended bid award to the lowest bidder, Ennis Paint of Ennis, Texas for \$26,160.

- 5.12. This item was moved from consent agenda to regular agenda and considered following Item 5.32.**

- 5.13. Grant Application Resolution - Fire: Resolution No. 2007-R0379 authorizing the Mayor to execute a Local Projects Grant with the Texas Department of State Health Services to fund an Emergency Medical Technician Intermediate Training Certification class.**

The \$47,410 grant the Texas Department of State Health Services (TDSHS) will fund an Emergency Medical Technician (EMT)-Intermediate level certification class for up to 20 individuals. Training will follow TDSHS approved curricula and be certified by Certificate of Proficiency program offered through South Plains College (SPC) Emergency Medical Services Training program. Funding will cover SPC Certification of Proficiency program fees, training curricula, texts, and associated training and testing aids. The program will begin November 1, 2007, and conclude August 31, 2008. Individuals successfully completing the course will be certified as EMT-I level responders.

FISCAL IMPACT

No fiscal impact.

Staff recommended approval of this resolution.

- 5.14. Interlocal Agreement Resolution - Municipal Court: Resolution No. 2007-R0380 authorizing the Mayor to execute an interlocal agreement between City of Lubbock, Lubbock Independent School District, and Lubbock County for the continuance and funding of the Specialized Treatment and Rehabilitation Program for FY 2007-08.**

The Specialized Treatment and Rehabilitation (STAR) program is a joint venture between the City of Lubbock, Lubbock County, and Lubbock Independent School District (LISD) to provide regimented discipline and education for school children between the ages of 11 and 16 who demonstrate adverse behavior in school or commit Class C misdemeanor offenses. Children are referred to the STAR program from LISD, Lubbock Municipal Court, and Lubbock County Justice of the Peace Courts. The City has participated in this program for several years. It is a piece of Municipal Court's escalating sentencing options for juveniles who demonstrate potential for actual delinquent conduct.

FISCAL IMPACT

\$149,285 is included in the proposed FY 2007-08 General Fund Budget for Municipal Court.

Staff recommended approval of this resolution.

- 5.15. This item was moved from consent agenda to regular agenda and considered following Item 5.12.**

- 5.16. Tax Abatement Agreement Resolution - Business Development: Resolution No. 2007-R0381 authorizing the Mayor to execute a commercial tax abatement agreement with Minerva Partners, Ltd.**

Minerva Partners has purchased land at 602 Avenue Q and will build a commercial facility to lease by Walgreens. The site is located in the Lubbock 2000 South Enterprise Zone.

The project meets the Commercial Tax Abatement Policy and Guidelines minimum investment by an existing company of \$100,000 in real property improvements. Total project investment is \$1.73 million. Minerva Partners will not create any new jobs, however, Walgreens will create approximately 16 full-time and 9 part-time positions.

This location is in the Central Business District (CBD) TIF, so the agreement must also be approved by the CBD TIF Board. The CBD TIF Board considered and approved the agreement at their July 11, 2007, Board Meeting. The Chairman of the CBD TIF Board has signed the tax abatement agreement.

In order to contract with a company for tax abatement, the municipality must first deliver a notice of intent to enter into a tax abatement agreement to the other taxing jurisdictions. The notice of intent was approved by the City Council on August 9, 2007, and sent to the other taxing jurisdictions, which fulfilled this requirement.

Staff is recommending five-year declining scale tax abatement.

FISCAL IMPACT

The estimated total amount of the tax abatement is \$23,977 during the five year period.

Staff recommended approval of this resolution.

- 5.17. Contract Resolution - Water Utilities: Resolution No. 2007-R0382 authorizing the Mayor to execute a contract for hay harvesting services at the Lubbock Land Application Site, BID 07-062-MA.**

The contract establishes annual pricing to cut, bale, and remove hay from designated areas at the Land Application Site. Staff determines when and how harvesting is needed. The areas identified yield between 800-900 bales. One bid was received with the City receiving 30% of the proceeds.

The contract removes hay from the Land Application Site as necessary to comply with remediation requirements of the Texas Commission on Environmental Quality. The removal of hay reduces the amount of nitrogen in the groundwater improving the agronomic nitrogen mass balance.

FISCAL IMPACT

Under the terms of the proposed contract, Mr. Weaver will provide hay harvesting services to the City in return for the opportunity to keep 70% of the hay harvested. This allows the City to remove an additional 1,000 to 1,500 bales of hay each year

Based on market conditions the water fund could realize an additional \$12,000 to \$18,000 in hay revenue.

Staff recommended accepting Jerry Weaver's bid for hay harvesting.

5.18. Contract Resolution - Water Utilities: Resolution No. 2007-R0383 authorizing the Mayor to execute a contract for an automated colorimetric flow analyzer, BID 07-060-MA.

This contract is for the purchase of an automated colorimetric flow analyzer at the Southeast Water Reclamation Wastewater Laboratory to perform Total Kjeldahl Nitrogen (TKN), Ammonia, and Total Phosphorus nutrient analysis. TKN and Ammonia analyses are required by Texas Commission on Environmental Quality Wastewater Discharge permit. The automated unit, with improved technology, allows for more efficient automatic dilution of samples and faster throughput of samples. This will facilitate data interpretation and report generation.

Bids were received from the following companies:

\$35,669 SEAL Analytical of Mequon, Wisconsin, which did not meet specifications

\$44,675 SKALAR of Norcross, Georgia

FISCAL IMPACT

The equipment purchase is approved as part of the FY 2006-07 master lease program, with the annual payments funded through the Wastewater Fund.

Lubbock Water Advisory Commission, and staff recommended contract award to SKALAR of Norcross, Georgia, for \$44,675.

5.19. This item was moved from consent agenda to regular agenda and considered following Item 5.15.

5.20. Resolution to Reject All Bids - Water Utilities: Resolution No. 2007-R0384 authorizing the Mayor to reject all proposals to construct 600 linear feet of double wall fuel line, isolation valve system, and leak sensor system at Lake Alan Henry, RFP 07-703-DD.

The Request for Proposals (RFP) was for the construction of 600 linear feet of double-walled fuel line, isolation valve systems, and a leak sensor system at the Lake Alan Henry boat house. An inspection of the existing fuel facility at Lake Alan Henry indicated deficiencies in the system. The existing fuel line needs to be replaced with a double walled fuel line to contain any minor leaks. A leak sensor system is required to detect presence of hydrocarbon in the

event of a failure and isolates the fuel system to minimize leaks minimizing the potential of a fuel spill into lake Alan Henry.

One proposal was received from Pride Underground. The proposal was \$34,564 higher than budgeted.

Legislation mandating the replacement of the existing fuel line at Lake Alan Henry has been amended making construction no longer necessary.

FISCAL IMPACT

No fiscal impact.

Staff recommended that City Council reject all proposals.

5.21. This item was moved from consent agenda to regular agenda and considered following Item 5.19.

5.22. Grant Agreement Resolution - Library: Resolution No. 2007-R0385 authorizing the Mayor to execute a Library System Operation Grant Agreement with Texas State Library and Archives Commission to fund three full-time positions for the West Texas Library System.

The West Texas Library System (WTLS) is a state funded grant program designed to improve library services in a 29-county area. WTLS is one of ten systems established under the Library Systems Act of 1969. The program is administered by the Texas State Library and Archives Commission and comprises various elements designed to improve and expand the service programs of member libraries. The grant encourages the establishment of public libraries in communities that do not have library service. At the end of State of Texas FY 2007, 34 libraries qualified for membership. As of September 1, 1974, The Lubbock Public Library was designated as the Major Resource Center headquarters for the WTLS program. The grant funds three full-time positions.

This program is fully funded by the State of Texas, and the City has no responsibility or obligation in the event that funds are not appropriated. The Texas State Library and Archives Commission contracts with the City for housing of staff and implementation of the service program components.

FISCAL IMPACT

The \$340,538 West Texas Library System Operation Grant contract will fund the full cost of the program.

Staff recommended approval of this resolution.

5.23. Grant Agreement Resolution - Library: Resolution No. 2007-R0386 authorizing the Mayor to execute an Interlibrary Loan Center Grant Agreement with Texas State Library and Archives Commission to fund two full-time positions for the Interlibrary Loan Center.

As the Major Resource Center for the West Texas Library System, the Lubbock Public Library serves as the headquarters for the Interlibrary Loan

(ILL) grant program. The ILL Center locates and requests materials for all public libraries, community college libraries, and special libraries within the 20-county area served by the West Texas Library System. The grant funds two full-time employees.

This program is fully funded by the State of Texas, and the City has no responsibility or obligation in the event that funds are not appropriated or provided. The Texas State Library and Archives Commission contracts with the City for housing staff and the implementation service program components.

FISCAL IMPACT

The \$105,297 Interlibrary Loan Center Grant will provide for the full cost of the program.

Staff recommended approval of this resolution.

- 5.24. Grant Agreement Resolution - Library: Resolution No. 2007-R0387 authorizing the Mayor to execute a Technical Assistance Negotiated Grant Agreement with Texas State Library and Archives Commission to fund one full-time technical advisor for public libraries in the West Texas Library System service region.**

The Lubbock Public Library serves as the headquarters for the Technical Assistance Negotiated Grant Program. The grant funds one full time technical advisor for public libraries in the West Texas Library System service region. The technical advisor provides training and technological assistance to all of these area libraries.

This program is fully funded by the State of Texas, and the City has no responsibility or obligation in the event that funds are not appropriated or provided. The Texas State Library and Archives Commission contracts with the City for housing staff and the implementation of service program components.

FISCAL IMPACT

The \$80,000 Technical Assistance Negotiated Grant funds the full cost of the program.

Staff recommended approval of this resolution.

- 5.25. Contract Resolution - Health: Resolution No. 2007-R0388 authorizing the Mayor to execute a purchase order contract with Bentley Instruments for a Bentley Somacount 150 Cell Counter used to perform laboratory analysis of Grade A raw milk.**

This resolution authorizes the sole source purchase of a Bentley Somacount 150 Somatic Cell Counter from Bentley Instruments located in Chaska, Minnesota. This laboratory instrument is needed to perform analysis of Grade A raw milk and to achieve consistency of lab analysis with other labs across the State. Funding and requirements for the instrument is specified in the

Department of State Health Services (DSHS) Contract No. 2007-022790 which requires purchase of this specific instrument.

The Bentley 150 Somatic Cell Counter Milk Analyzer is an instrument that uses a process based on laser flow cytometry to give an automated, accurate count of somatic cells found in raw milk. The milk and dairy industry monitors the somatic cell count in individual dairy's raw milk to guarantee only healthy, non-infected cows are being used to produce the final product consumed by the public.

FISCAL IMPACT

This cost of the instrument is \$40,000 and is fully grant funded.

Staff recommended approval of this resolution.

- 5.26. Contract Resolution - Health: Resolution No. 2007-R0389 authorizing the Mayor to execute a contract with Texas Department of State Health Services (DSHS) to provide laboratory analysis of milk and dairy products (DSHS Document No. 2008-023128-001 milk group).**

The Milk and Dairy Products Contract is required as part of the annual contract with the Texas Department of State Health Services. The term of the contract is September 1, 2007, through August 31, 2008. DSHS enters into this Contract under the authority of health and Safety Code, Chapter 1001. The Lubbock Health Department Regional Laboratory is reimbursed for laboratory analysis of milk and dairy samples at a specified rate, depending on the type of analysis performed. The Lab performs over 6,500 tests on more than 1,800 samples submitted each year. The milk and dairy testing program maintains proficiency in laboratory methods used to respond to food-borne disease outbreaks. These activities are directly related to public safety and ensuring a safe food supply.

FISCAL IMPACT

The \$74,009 payment received through this contract will fund the cost of the testing program.

Staff recommended approval of this resolution.

- 5.27. Contract Resolution - Health: Resolution No. 2007-R0390 authorizing the Mayor to execute a contract with Texas Department of State Health Services (DSHS) to assist in the implementation of DSHS's FY2006 Centers for Disease Control and Prevention Cooperative Agreement Work Plan for Public Health Preparedness and Emergency Response for Bioterrorism to prepare for and respond to terrorism and other public health threats and emergencies; and FY2005 Health Resources Services Administration National Bioterrorism Hospital Preparedness Program to enhance the ability of hospitals and health care systems to prepare for and respond to bioterrorism and other public health emergencies (DSHS Document No. 2008-022963-001 CPS-Bioterrorism Preparedness-LAB).**

The City assists the Department of State Health Services (DSHS) with implementation of the FY 2006 Centers for Disease Control and Prevention (CDC) Cooperative Agreement Work Plan for Public Health Preparedness and Emergency Response for Bioterrorism. The plan upgrades state and local public health jurisdictions' preparedness for response to terrorism and other public health threats and emergencies, and the FY2005 Health Resources Administration (HRSA) National Bioterrorism Hospital Preparedness Program which enhances the ability of hospitals and health care systems to prepare for and respond to bioterrorism and other public health emergencies.

The Lubbock Health Department maintains a confirmatory bioterrorism testing laboratory with a trained staff, proficient in CDC's Laboratory Response Network (LRN) biothreat protocols that test samples from the identified service area for biothreat agents and toxins, test food samples for pathogenic microbes, and collaborates extensively with all hospitals located in the identified service area to plan for response activities for biothreats. The Lubbock Health Department maintains extensive collaboration with local law enforcement, hazardous material and other emergency responders, and provides laboratory-oriented training to hospitals and reference laboratories in the identified service area on the LRN sentinel protocols. The health department will provide these services for 66 counties.

\$125,000 is partial funding to get the Health Department started while federal funding is finalized. The contract funds salary (\$51,214) and benefits (\$20,621) for three existing full-time positions, provides funds for training and travel (\$2,023), supplies (\$14,030), and other funds (\$37,112). A copy of the Project Period Public Health Emergency Preparedness Workplan for Laboratory Response Networks (LRN) FY 2007-10 is provided. The contract period is September 1, 2007, through August 31, 2008.

This program facilitates Lubbock's efforts in developing laboratory-specific bioterrorism preparedness plans that addresses selected focus areas and the required critical capabilities. The focus areas or major outcomes being addressed in FY 2007-08 include hazards planning, information collection and threat recognition, laboratory testing, emergency response communications, economic and community recovery, and linking hospital laboratory programs with local health department's efforts to respond during public health emergencies.

Major goals include:

- Increase the use and development of interventions to prevent human illness from chemical, biological, radiological agents, and naturally occurring health threats;
- Decrease the time needed to classify health events as terrorism or naturally occurring in partnership with other agencies;

- Decrease the time needed to detect and report chemical, biological, radiological agents in tissue, food, or environmental samples that cause threats to the public's health;
- Decrease the time needed to provide countermeasures and health guidance to those affected by threats to the public's health;
- Decrease the time needed to restore health services and environmental safety to pre-event levels; and
- Decrease the time needed to implement recommendations from after-action reports following threats to the public's health.

FISCAL IMPACT

The grant program funds the related expenses, without additional funding from the General Fund.

- 5.28. Contract Resolution - Health: Resolution No. 2007-R0391 authorizing the Mayor to execute a contract with Texas Department of State Health Services (DSHS) to administer programs and perform activities in support of DSHS's FY2006 Centers for Disease Control and Prevention Cooperative Agreement Work Plan for Public Health Preparedness and Emergency Response for Bioterrorism to prepare for and respond to terrorism and other public health threats and emergencies (DSHS Document No. 2008-022931-001 CPS-Bioterrorism Preparedness).**

The City Health Department administers programs and performs activities in support of the FY 2006 Centers for Disease Control and Prevention (CDC) Cooperative Agreement Work Plan for Public Health Preparedness and Emergency Response for Bioterrorism. The program upgrades and integrates state and local public health jurisdictions' preparedness for and response to terrorism and other public health threats and emergencies.

The Lubbock Health Department enhances its bioterrorism preparedness plans by conducting activities at the local level relating to goal areas as designated by the CDC to increase the use and development of interventions known to prevent human illness from chemical, biological, radiological agents, and naturally occurring health threats. The goal is to decrease the time needed to classify health events as terrorism or naturally occurring in partnership with other agencies, and decrease the time needed to detect and report chemical, biological, radiological agents in tissue, food, or environmental samples that cause threats to the public's health. The department is improving the timeliness and accuracy of information regarding threats to the public's health as reported by clinicians and through electronic early event detection in real time to those who need to know. The Health Department is decreasing the time needed to identify causes, risk factors, and appropriate interventions for those affected by threats to the public's health, and decrease the time needed to provide countermeasures and health guidance to those affected by threats to the public's health. The program decreases the time needed to restore health services and environmental safety to pre-event levels, and increases the long-

term follow-up provided to those affected by threats to the public's health. The department is decreasing the time needed to implement recommendations from after-action reports following threats to the public's health.

\$235,242 is partial funding while federal funding is finalized. The contract includes salary (\$105,592) and benefits (\$53,800) for six existing full time positions, provides funds for training and travel (\$6,534), supplies (\$20,310), and other funds (\$47,706). A copy of the Project Period Public Health Emergency Preparedness Work Plan for Local Health Departments FY 2007-10 is attached. The contract period is September 1, 2007, through August 31, 2008.

FISCAL IMPACT

No impact to the General Fund.

5.29. Waiver of Payment Resolution - Community Development: Resolution No. 2007-R0392 approving a waiver of Payment in Lieu of Taxes for 2007 pursuant to the Cooperative Agreement dated August 24, 1995, amended April 24, 2003, for the Lubbock Housing Authority.

In April 2003, City Council amended the cooperation agreement with the Lubbock Housing Authority dated August 24, 1995, concerning the "Payment in Lieu of Taxes" (PILOT). This amendment allows City Council to reconsider the request to waive the PILOT on an annual basis. Approval will be based on previous year's use of the waived taxes to ensure the funds were used on affordable housing projects. A review of the use of funds will be conducted each year.

The City has conducted the annual review and proper documentation was presented to show that the funds were used to enhance the activities of the Lubbock Housing Authority.

FISCAL IMPACT

The waiver of the PILOT will save the Lubbock Housing Authority \$31,690 in FY 2007-08.

Staff recommended approval of this resolution.

5.30. Lease Agreement Resolution - Parks and Recreation: Resolution No. 2007-R0393 authorizing the Mayor to execute a lease agreement with Lubbock Mental Health Mental Retardation Center for the lease of the George Woods Community Center for recreational programs.

In August 2002, the City Council approved an agreement with Lubbock Mental Health Mental Retardation Center (MHMR) for the lease of the George Woods Community Center, 517 North Zenith Avenue. MHMR uses the building for recreational programs.

The term of agreement is one year with an option to renew annually. Upon sixty days written notice, either party may terminate the lease. MHMR cannot make modifications to the building without approval from the City.

FISCAL IMPACT

Rent is \$1 per year. MHMR is responsible for utilities, maintenance, repairs, and insurance.

Staff recommended approval of this resolution.

5.31. Amending Resolution - Lubbock Power & Light: Resolution No. 2007-R0394 amending the General Terms and Conditions regarding deposit requirements and Rate 10 (Small General Service) of the current electric rate structure for Lubbock Power & Light as originally passed by Resolution No. 2007-R0227 on May 24, 2007.

Pursuant to Section 40.055 of the Texas Utility Code and Article XII of the Lubbock City Charter, City Council, as the governing body of Lubbock Power & Light, has exclusive jurisdiction to set all retail electric rates applicable to services provided by Lubbock Power & Light. Section 551.086 of the Texas Government Code authorizes City Council to meet in Executive Session to discuss, vote, and take final action on a competitive matter of Lubbock Power & Light.

Pursuant to Section 9-17(b) of the Code of Ordinances, all rates to be charged for electric service provided by Lubbock Power & Light shall be determined by the City Council in a meeting conducted pursuant to Section 551.086 of the Texas Government Code. City Council passed the current rate structure for residential, commercial, industrial, and other retail customers of Lubbock Power & Light by Resolution No. 2007-R0227 on May 24, 2007.

This resolution amends the General Terms and Conditions of the current rate structure and Rate 17, Large Municipal Service:

1. Section 6, Deposits, of the General Terms and Conditions of Lubbock Power & Light's rate structure, amended by adding the following to subsection (c):
 - iv. An applicant has been determined to be a victim of family violence as defined in the Texas Family Code §71.004, by a family violence center as defined in Texas Human Resources Code §51.002, by treating medical personnel, by law enforcement personnel, by the Office of a Texas District Attorney or County Attorney, by the Office of the Attorney General, or by a grantee of the Texas Equal Access to Justice Foundation. This determination shall be evidenced by submission of a certification letter developed by the Texas Council on Family Violence. The certification letter may be submitted directly to Lubbock Power & Light.
2. Rate 17, Large Municipal Service, hereby amended in accordance with the terms and conditions outlined in Exhibit "A" which is attached hereto and incorporated herein as though set forth fully herein.

3. All terms and conditions of the rate structure of Resolution No. 2007-R0227 passed on May 24, 2007, including the general terms and conditions thereof, not specifically amended by this resolution shall remain in full force and effect until the City Council of the City of Lubbock authorizes amendment of such rate structure.

FISCAL IMPACT

No fiscal impact.

- 5.32. Settlement Agreement - City Attorney: Resolution No. 2007-R0395 authorizing a Settlement Agreement in Cause Number 2006-536,290, 99th District Court, Lubbock County, Texas, Martha Dillon vs. City of Lubbock.**

Consider a resolution authorizing a Settlement Agreement in Cause Number 2006-536,290, 99th District Court, Lubbock County, Texas, Martha Dillon vs. City of Lubbock.

FISCAL IMPACT

Approximately \$200,000.

6. REGULAR AGENDA

Note: Regular Agenda items, and Consent Agenda items moved to Regular Agenda, are listed in the order they were addressed (Items 5.12, 5.15, 5.19, 5.21, 6.1-6.10).

- 5.12. Contract Resolution - Aviation: Resolution No. 2007-R0396 authorizing the Mayor to execute a contract for carpet and brick cleaning services at Lubbock Preston Smith International Airport, BID 07-068-MA.**

The bid establishes annual pricing for interior floor cleaning services for carpet and brick in the Airport passenger terminal. The contract term is for a period of one year with the option to renew.

Bids were received from the following companies:

RL Building Maintenance of Lubbock, Texas	\$32,890
Industrial Maintenance & Supply of Lubbock, Texas	48,350

FISCAL IMPACT

Funds are available in the Airport's Operating Budget.

The Airport Board and Airport Staff recommended bid award to the lowest bidder, R L Building Maintenance of Lubbock, Texas, for \$32,890.

James Loomis, Assistant City Manager, gave comments and answered questions from Council.

Motion was made by Council Member Jones, seconded by Council Member DeLeon to pass Resolution No. 2007-R0396 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

5.15. Tax Abatement Agreement Resolution - Business Development: Resolution No. 2007-R0397 authorizing the Mayor to execute a commercial tax abatement agreement with Raul and Josie Alvarado dba Essential Home Health.

Essential Home Health plans to build a facility at 2501 Baylor Avenue in the Lubbock 2000 North Enterprise Zone and has applied for a commercial tax abatement.

The project meets the Commercial Tax Abatement Policy and Guidelines minimum investment of \$100,000 in real property improvements for an existing company. Total investment in the project is \$250,000 and Essential Home Health is creating approximately 20 new jobs during the next three years.

In order to contract with a company for tax abatement, the municipality must deliver a notice of intent to enter into a tax abatement agreement to the other taxing jurisdictions. The notice of intent approved at the August 9, 2007, City Council meeting fulfilled the requirement.

Staff is recommending five-year declining scale tax abatement.

FISCAL IMPACT

The estimated amount of the tax abatement will be \$3,465 over five years.

Staff recommended approval of this resolution.

Motion was made by Council Member Price, seconded by Council Member Jones to pass Resolution No. 2007-R0397 as recommended by staff. Motion carried: 5 Ayes, 0 Nays.

Council Member DeLeon recused herself.

5.19. Resolution to Reject All Bids - Water Utilities: Resolution No. 2007-R0398 to reject all proposals received for Water Utility System Site Improvements, RFP 07-707-DD.

The City solicited competitive sealed proposals for Water Utility System Site Improvements at the Water Treatment Plant. Proposals were received from the following companies:

- Brown McKee of Lubbock, Texas
- Danny Klein Construction of Lubbock, Texas
- Minnix Commercial Partners of Lubbock, Texas
- Craig Wallace Construction of Lubbock, Texas

An evaluation/selection committee was formed to review and rate the proposals. The evaluation criteria in the RFP included: 1) 40% price 2) 20% resume and references of proposed job superintendent, 3) 10% list of potential items from proposer that could reduce the cost of work, but result in the same end product, 4) 5% insurance claims and litigation during the last three years, 5) 10% construction time, 6) 10% list of subcontractors, and 7) 5% contractor phasing options which may shorten construction time or minimize disruptions

to City operations without increasing proposal amount. The committee ranked the proposals as follows:

1. Craig Wallace Construction with 409 points	\$1,847,275
2. Minnix Commercial Partners with 353 points	1,791,300
3. Danny Klein Construction with 315 points	1,729,500
4. Brown McKee with 296 points	1,813,792

The proposals ranged from \$629,500 to \$747,275 more than the available budget of \$1.1 million.

FISCAL IMPACT

No fiscal impact.

Staff recommended that City Council reject all proposals.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to pass Resolution No. 2007-R0398 as recommended by staff. Motion carried: 5 Ayes, 0 Nays.

Council Member Klein recused himself.

5.21. Resolution - Lubbock Economic Development Alliance: Resolution No. 2007-R0399 approving a resolution adopted by the Board of Directors of Lubbock Economic Development Alliance (LEDA) authorizing and approving a loan of \$7.25 million and authorizing the execution of a loan agreement between LEDA and Plains Capital Bank, and resolving other matters in connection therewith.

Through careful budgeting and planning during the past several years, Lubbock Economic Development Alliance (LEDA) has accumulated approximately \$6 million to construct infrastructure at the Lubbock Business Park and Railport. Phase one of the construction includes utilities and roadways for three businesses: MACSA, Standard Bag, and O'Reilly. Once at full capacity, the three businesses are projected to create 820 jobs with a payroll of more than \$23.2 million. LEDA estimates the total economic impact of the three businesses at \$142,312,969.

Parkhill, Smith & Cooper assisted with the bidding phase of the project and the Board of Directors of LEDA awarded the bid to Duininck Brothers subject to the City Council's approval of LEDA Board's authorization to borrow \$7.25 million for construction.

Nine banks from Lubbock are partnering to fund the \$7.25 million loan. Plains Capital Bank is the lead bank in the commercial loan. LEDA bylaws require the City Council approve any indebtedness entered into by the organization.

The proposed agreement with Plains Capital Bank includes the following business points:

1. LEDA must establish an account with the bank for deposit of its Sales Tax Revenues. In the event of default, the bank can control the account and withdraw from it to pay debt service or any other amounts owed under the

Loan Agreement. This is important to the bank for purposes of perfecting a security interest in the revenue stream.

2. In the event of default, such as failure to make a loan payment, the bank can accelerate the debt so that the full amount becomes immediately due and payable.
3. In the event of default, the bank has the right to demand payment not only from sales tax, but also from assets that are part of the Railport Park and Lubbock Business Park (the "Projects").
4. LEDA may not assign, convey, pledge, etc., any Railport and Business Park property until it provides the bank with a Performance Agreement for a business to move onto the property. At that time, the bank agrees to release any claim on the subject property.

FISCAL IMPACT

The estimated cost to complete Phase 1 of the Lubbock Business Park and Lubbock Railport, including construction, engineering, and a 5% contingency \$13.25 million. LEDA plans to fund the project as follows:

\$ 6.00 million LEDA Reserves
\$ 7.25 million Borrowing Subject to City Council Approval

\$13.25 million Estimated Cost to Complete Phase 1

Interest only will be paid the first year of the loan, with the balance to be paid during the next five years fully amortized, using principal plus interest.

Gary Lawrence, Chief Executive Officer of the Lubbock Economic Development Alliance (LEDA) gave a presentation on constructing infrastructure at the Lubbock Business Park and Railport. After Council expressed their thanks to Mr. Lawrence and LEDA for bring businesses and jobs to Lubbock, he asked Council to consider getting a bus route east of Interstate 27 where it is needed, instead of an empty bus running in the area where he lives.

Motion was made by Council Member Price, seconded by Council Member Leonard to pass Resolution No. 2007-R0399 as recommended by staff. Motion carried: 5 Ayes, 0 Nays.

Mayor Pro Tem Gilbreath recused himself.

- 6.1. Public Hearing 10:00 a.m. - Zoning: Ordinance No. 2007-O0089 Zone Case No. 2383-C (4801 Erskine Street) Hold a public hearing to consider a request by Randy Egenbacher (for North Loop Properties) for zoning change from AM to C-2A on 2.72 acres out of Tract G, Physician's Surgicenter of Lubbock Addition.**

Mayor Pro Tem Gilbreath opened the public hearing at 10:05 a. m. No one appeared on behalf of North Loop Properties. No one appeared in opposition. Mayor Pro Tem Gilbreath closed the hearing at 10:06 a. m.

Regular City Council Meeting
August 23, 2007

The applicant is requesting that a portion of the area zoned as Apartment Medical (AM) adjacent to Erskine Street between North Utica and North Vale to be rezoned Commercial 2-A (C2-A) to provide light commercial services to the medical area.

Adjacent land uses:

N Residential
S Zoned AM
E Zoned AM
W Zoned AM

The request is not entirely consistent with the current Comprehensive Land Use Plan for the area because a large presence of medical and apartment zoning is within the 200 acre triangle, and the current plan illustrates commercial at Slide Road and Erskine Street and along Loop 289 frontage. The Planning Commission recommendation to the City Council contains language that indicates this case represents a minor change to the Comprehensive Land use Plan amendment adopted as the “master plan” for this area. No citizens appeared at the meeting.

The applicant notes an interest of the developing medical community in the immediate vicinity to have a small area of light commercial on Erskine Street to be able to provide retail primarily to serve the medical related development occurring adjacent. The only real issue for this request is that there is existing residential across Erskine Street to the north. Erskine Street is in the process of being developed as a full thoroughfare and the two lots across the street side onto Erskine Street.

The applicant has requested to be tied to a proposed site plan, with the ability to adjust with very minor building location as actual plans are developed for the strip center. With the deep 103-foot parking on the front, and AM on three sides, there should be no perceptible land use disruption to the area that the current AM zoning would not cause. The important factor is that the areas to the south, east and west are zoned AM and not residential.

With the proposed two curb cuts on Erskine Street, one primary in the center and smaller drive on the west end, the impact on traffic should be minimal. The center will have a curb return onto North Utica Avenue for customers to get back into the medical area or to get to Erskine Street at a controlled intersection.

Staff supports the recommendation of the Planning Commission subject to the following condition:

1. Tied to the proposed site plan with the ability to adjust building locations in a very minor manner as the final plans are drawn.

FISCAL IMPACT

No fiscal impact.

The staff supports the recommendation of the Planning and Zoning Commission.

Motion was made by Council Member Leonard, seconded by Council Member Jones to pass on first reading Ordinance No. 2007-O0089 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

6.2. Public Hearing 10:00 a.m. - Zoning: Ordinance No. 2007-O0090 Zone Case No. 3018-A (north of Glenna Goodacre Boulevard and east of Avenue X) Hold a public hearing to consider request by McDougal Construction (for McCanton Woods LC) for zoning change to amend the conditions and site plan from Ordinance No. 2004-00111 on Proposed Tract 5A, Overton Park Addition.

Mayor Pro Tem Gilbreath opened the public hearing at 10:05 a. m. No one appeared on behalf of McCanton Woods. No one appeared in opposition. Mayor Pro Tem Gilbreath closed the hearing at 10:06 a. m.

The existing site (Tract 5, Overton Park) is zoned Apartment (A-3) Specific Use for an apartment project different from the proposed project. With the Specific Use Permit, the zoning is tied to a site plan. The proposed site plan for Tract 5A needs to be changed for the new project and a future zone case will be requested to adjust the proposed land use on what will be replatted as Tract 5B. The objective of the structure is to mirror the style, materials, and architecture of the current Centre on University without the commercial component. All of the use will be multi-family (apartments).

Adjacent land uses:

N Vacant, zoned A-3 Specific Use
S Vacant
E Vacant
W Commercial

The project meets the amended Comprehensive Land Use Plan for the Overton North rehabilitation and zoning policy.

The new site plan requests the following considerations and the Planning Commission recommended the case with the conditions noted below:

1. A decrease in setback from 15 feet to 10 feet on 6th and 8th Streets and to 14 feet on Avenue X.
2. The proposed site plan.
3. The proposed trash enclosures shall be within a solid enclosure on three sides
4. The roofs shall be a tile product compatible with other projects in Overton and the walls adjacent to 6th Street, Avenue X, and 8th Street shall be either stucco or masonry - exclusive of hardyplank.
5. The fence on 6th and 8th Streets adjacent to the parking lots shall be masonry or a combination of masonry columns and wrought iron.

6. A fence, the materials shall be chosen by the developer, shall be located on the east line.

FISCAL IMPACT

No fiscal impact.

Staff supports the recommendation of the Planning and Zoning Commission.

Motion was made by Council Member Leonard, seconded by Council Member Jones to pass on first reading Ordinance No. 2007-O0090 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

6.3. Insurance Service Office Study - Fire: Presentation on the results from an Insurance Service Office (ISO) Study recently completed for the City of Lubbock.

The Insurance Service Office (ISO) of Commercial Risk Services regularly performs surveys of all communities and fire districts. The ISO rating is one of the primary elements used by the insurance industry to develop premium rates for homes and businesses. A lower ISO rating for the City reduces fire insurance premiums. As an example, citizens could receive an 8.5% reduction in their insurance costs for residential brick construction when going from a Class 3 city to a Class 2 city. The ISO rating provides a reflection of standards that have been developed over many years from the study of "pertinent fire protection conditions and performance standards." The City of Lubbock is rated a Class 3 and is graded on fire alarm telecommunications and Fire Department water supply. Achieving a lower ISO rating is a difficult task. Mike Pietsch conducted a study for the City of Lubbock resulting in a "mock" rating.

FISCAL IMPACT

No fiscal impact.

Fire Chief Rhea Cooper gave a presentation on plans to improve the ISO rating for Lubbock. These plans included recommendations of five additional fire engines at five new stations, additional dispatchers, weekly tests of generators, and proper phone book listing for the Fire Department. Cooper then answered questions from Council. City Manager Lee Ann Dumbauld also answered questions from Council.

6.4. Contract Resolution - Fire: Consider a resolution authorizing the Mayor to execute an engineering services contract with Parkhill, Smith & Cooper for Fire Station No. 16.

This item was continued until September 13, 2007.

Due to growth patterns within the City of Lubbock and response times from surrounding areas, a new fire station is required in the vicinity of 114th Street and Quaker Avenue. Vintage Township is donating land in the subdivision for the construction of the fire station.

Parkhill, Smith and Cooper (PSC) of Lubbock, Texas, was selected as the design firm to handle the architectural and engineering services for this project. PSC will implement the design work from previous fire stations designed by PSC reducing costs and the required design time.

FISCAL IMPACT

The operational cost of staffing and operating the fire station is included in the Proposed FY 2007-08 Operating Budget. The \$156,550 Design cost is budgeted in Capital Project 91181, New Fire Station #16. Of the \$1,950,000 total appropriation, \$350,000 is budgeted for design, \$100,000 for furnishings, and \$1,500,000 for construction.

Staff recommended approval of this resolution.

Consensus from Council was to continue this item until the next Regular City Council Meeting of September 13, 2007.

6.5. Contract Resolution - Fire: Resolution No. 2007-R0040 authorizing the Mayor to execute an agreement with Tiburon for a records management system.

The records management system currently utilized by the Lubbock Fire Department was developed in-house and no longer meets the department's needs.

The Tiburon records management system provides increased efficiency, and improved tracking and reporting features.

The system will interface with the Fire and Police Department's Computer Aided Dispatch system (Tiburon) which is critical for interoperability.

The Tiburon Records Management System includes services such as: Tracking of Incidents, Fire Prevention Records, Personnel and Training, Fire Investigations, Emergency Management System (EMS), Equipment Maintenance, Inspection, Inventory, and Hydrants.

FISCAL IMPACT

The cost is \$144,580, which includes software and implementation services, as well as the first year's maintenance. Funding has been identified in the Information Technology budget.

Annual maintenance is expected to cost \$20,000.

Staff recommended approval of this resolution.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to pass Resolution No. 2007-R0040 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

6.6. Resolution - Municipal Court: Consider a resolution establishing a salary for Presiding Judge of Municipal Court following annual review by City Council.

This item was continued until September 13, 2007

City Council has followed a precedent of reviewing the salary of the Presiding Judge of Municipal Court on an annual basis. This has been accomplished at or about the time the annual budget process. The resolution is necessary to make any change to the annual salary for the position.

FISCAL IMPACT

The current salary of the Presiding Judge is \$105,298, which is currently included in the Proposed Municipal Court budget for FY 2007-08. Any increase in the salary level would need to be added to that budget.

Consensus from Council was to continue this item until the next Regular City Council Meeting of September 13, 2007.

- 6.7. Resolution - Atmos Energy: Resolution No. 2007-R0401 granting a request of the West Texas Division of Atmos Energy to extend the deadline to make certain filings required under Gas Utilities Docket 9692 and the Gas Reliability Infrastructure Program from September 1, 2007, to November 15, 2007.**

Section 104.301 of the Texas Utilities Code authorizes a gas utility to file with the regulatory authority a tariff or rate schedule that provides for an interim adjustment in the utility's monthly customer charge to recover the cost of changes in the investment in service for gas utility services, also known as the Gas Reliability Infrastructure Program ("GRIP"). Pursuant to Section 103.001 of the Texas Utilities Code, City Council is the regulatory authority that has exclusive original jurisdiction over the rates, operation, and service of a gas utility operating within the municipality. West Texas Division of Atmos Energy, pursuant to Final Order in Gas Utilities Docket 9692, is required to make its GRIP filing with the City on or before September 1, 2007. The West Texas Division of Atmos Energy has asked the City to grant Atmos Energy an extension until November 15, 2007, for making the above referenced filing.

The letter from Atmos dated August 13, 2007, is provided.

FISCAL IMPACT

No fiscal impact.

Council Member Leonard expressed his opposition to granting the extension to Atmos Energy. Matt Wade, Assistant City Attorney, explained to Council that granting the extension to Atmos Energy would not affect the City's regulatory rights. City Manager Lee Ann Dumbauld and Chief Financial Officer Jeff Yates gave comments and answered questions from Council.

Motion was made by Council Member DeLeon, seconded by Council Member Price to pass Resolution No. 2007-R0401 as recommended by staff. Motion carried: 5 Ayes, 1 Nay. Council Member Leonard voted Nay.

- 6.8. Resolution - Audit: Resolution No. 2007-R0402 amending Resolution No. 2003-R0220 dated June 12, 2003, regarding the City of Lubbock Audit Committee by adding investments to the Committee's oversight, renaming the Committee to Audit and Investment Committee, setting the term of the chair to one year, and requiring significant auditing experience of appointees to the committee.**

The resolution amends the original resolution creating the Audit Committee. The changes consist of adding investments to the committee's oversight, re-naming the committee to the Audit and Investment Committee, setting the term of the chair to one year, and requiring that a person on the committee have significant auditing experience.

This resolution amendment was requested by the Audit Committee.

FISCAL IMPACT

No fiscal impact.

Audit Committee recommended approval of this resolution.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to pass Resolution No. 2007-R0402 as recommended by staff. Motion carried: 6 Ayes, 0 Nays.

- 6.9. Board Appointments - City Secretary: Consider two appointments to Permit & License Appeal Board, and nine appointments to Appointments Advisory Board.**

Motion was made by Council Member DeLeon, seconded by Council Member Jones to reappoint Lloyd Brown, and appoint Vivian Solis to the Permit & License Appeal Board. Motion carried: 6 Ayes, 0 Nays.

Motion was made by Council Member DeLeon, seconded by Council Member Jones to reappoint Steve Alexander, Tracey Bacon, Jay Ibarra, Alice Lozada, Clemmie Payne, Jerry Ramirez, Troy Vanderburg, and Shay Wallace, and appoint Alicia Alvarez to the Appointments Advisory Board. Motion carried: 6 Ayes, 0 Nays.

10:35 A. M. CITY COUNCIL RECESSED

6:00 P. M. CITY COUNCIL RECONVENED

- 6.10. Public Hearing 6:00 P.M. - Finance: Hold a public hearing on a proposal to increase total tax revenues from properties on the tax roll in the preceding tax year by 3.41% (percentage by which the proposed tax rate exceeds the effective tax rate calculated under Chapter 26, Tax Code).**

Mayor Miller opened the public hearing at 6:00 p. m. Beverly Hamilton, Leann Lamb-Vines, Edward V. George, Jaime DeLeon, Jay Jacobus, Russell Harris, Jay Walker, John E. Hobgood, Darlene Leadingham, Brenda Spann, Sam "Bo" Harris, Hannah Wilson, Kim McKee, Robert Moreno, Josie Sanchez, Michael Avelar, Julie White, Richard Schempp, Justina Thomas, Ruben Guerrero, Dorothy Jean Nash, David Powell, Davis B. Price, Frank

Regular City Council Meeting
August 23, 2007

Tello, Lane Gouriet, Leon Williams, Mikel Ward, and Tracy Jackson appeared to address the proposed FY 2007-08 Operating Budget and Capital Improvement Program, and the proposed tax rate. Mayor Miller closed the hearing at 7:37 p. m.

John Wilson, Director of Citibus, gave comments, which included the history of the decline in funding for Citibus. Wilson also gave statistics on the last rate increase for Citibus, and gave details regarding the Texas Tech bus service.

A public hearing has been posted and notices published as required by state law to allow taxpayers an opportunity to comment on the proposed tax rate.

A property tax rate decrease of \$0.00694 is proposed, reducing the property tax from \$0.46199 to \$0.45505 per \$100 valuation. The tax rate is distributed as follows:

General Fund Maintenance and Operations

\$0.3538

Debt Service

\$0.07125

Economic Development

\$0.03000

FISCAL IMPACT

The tax rate will be adopted at the City Council Meeting scheduled for September 13, 2007. The fiscal impact of that decision is unknown until the tax rate is chosen and adopted.

7:37 P. M. COUNCIL ADJOURNED

There being no further business to come before Council, Mayor Miller adjourned the meeting.